

FORM FOR FACSIMILE TRANSMISSION CERTIFICATION

In re Plant Patent Application of: **BRIAN KABBES**

Serial number: **10/624,102**

Group Art Unit: **1661**

Filed: **JULY 21, 2003**

Examiner: **J. HWU**

Titled: **AGASTACHE PLANT NAMED 'AFTER EIGHT'**

Commissioner of Patents
Alexandria, Virginia 22313-1450

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OCT 11 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

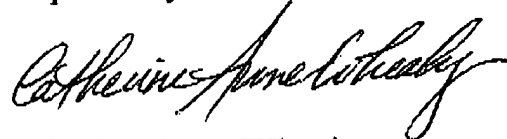
Dear Sir:

I hereby certify that the following papers associated with the above-referenced U.S. Plant Patent application are being transmitted via facsimile to the Patent & Trademark Office on the date shown below.

- Request for Reconsideration
- Marked Copy of the Specification, Claim and Abstract
- Revised Copy of the Specification, Claim and Abstract

Date: October 11, 2004

Respectfully submitted,



Catherine Anne Whealy
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Plant Patent Application of: BRIAN KABBES

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**SUBSTITUTE SPECIFICATION AND
REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.125(a)**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Commissioner:

In response to the Examiner's additional request, a marked and a corrected copy of the specification follows. This is an additional response to the original response submitted on September 4, 2004.

The disclosure was objected to under 37 U.S.C. § 163(a) and under 35 U.S.C. 112, first paragraph, because the specification presents less than a full, clear and complete botanical description of the claimed plant and the characteristics which distinguish the claimed plant from related, known varieties and its antecedents.

In response to the Objection to the Disclosure, the following brief remarks, substitute specification, claim and abstract have been submitted with respect to the Examiner's comments and requests.

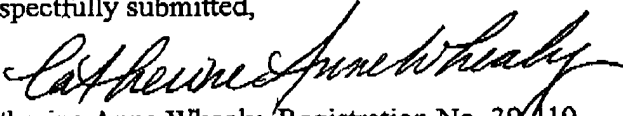
- (G.) Applicant verifies that the coloration of the immature and mature flowers is correct as stated.
- (I.) Applicant verifies that the coloration of the reproductive structures is correct as stated.

Favorable reconsideration of the application is requested in view of the substitute specification, claim and abstract. With these additions and changes, the application is believed to be in condition for allowance, and such action is respectfully requested.

In the event any outstanding deficiencies remain, the Examiner is requested to contact the undersigned agent of record so that allowance of the application can be expedited.

Respectfully submitted,

Date: October 11, 2004


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